

103D CONGRESS
1ST SESSION

H. R. 2315

Terminating the United States arms embargo of the Government of Bosnia-Hercegovina.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1993

Mr. HYDE (for himself, Mr. SMITH of New Jersey, Mr. HUNTER, Mr. GILMAN, Mr. FISH, Mr. WILSON, and Mr. GINGRICH) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

Terminating the United States arms embargo of the
Government of Bosnia-Hercegovina.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bosnia-Hercegovina
5 Self-Defense Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) On July 10, 1991, the United States adopt-
9 ed a policy suspending all licenses and other approv-

1 als to export or otherwise transfer defense articles
2 and defense services to Yugoslavia.

3 (2) On September 25, 1991, the United Na-
4 tions Security Council adopted Resolution 713,
5 which imposed a mandatory international embargo
6 on all deliveries of weapons and military equipment
7 to Yugoslavia.

8 (3) The United States considered the policy
9 adopted July 10, 1991, to comply fully with Resolu-
10 tion 713 and therefore took no additional action in
11 response to that resolution.

12 (4) On January 8, 1992, the United Nations
13 Security Council adopted Resolution 727, which de-
14 cided that the mandatory arms embargo imposed by
15 Resolution 713 should apply to any independent
16 states that might thereafter emerge on the territory
17 of Yugoslavia.

18 (5) On February 29 and March 1, 1992, the
19 people of Bosnia-Herzegovina voted in a referendum
20 to declare independence from Yugoslavia.

21 (6) On April 7, 1992, the United States recog-
22 nized the Government of Bosnia-Herzegovina.

23 (7) On May 22, 1992, the Government of
24 Bosnia-Herzegovina was admitted to full member-
25 ship in the United Nations.

1 (8) Consistent with Resolution 727, the United
2 States has continued to apply the policy adopted
3 July 10, 1991, to independent states that have
4 emerged on the territory of the former Yugoslavia,
5 including Bosnia-Herzegovina.

6 (9) Subsequent to the adoption of Resolution
7 727 and Bosnia-Herzegovina's independence referen-
8 dum, the siege of Sarajevo began and fighting
9 spread to other areas of Bosnia-Herzegovina.

10 (10) The Government of Serbia intervened di-
11 rectly in the fighting by providing significant mili-
12 tary, financial, and political support and direction to
13 Serbian-allied irregular forces in Bosnia-
14 Herzegovina.

15 (11) In statements dated May 1 and May 12,
16 1992, the Conference on Security and Cooperation
17 in Europe declared that the Government of Serbia
18 and the Serbian-controlled Yugoslav National Army
19 were committing aggression against the Government
20 of Bosnia-Herzegovina and assigned to them prime
21 responsibility for the escalation of bloodshed and de-
22 struction.

23 (12) On May 30, 1992, the United Nations Se-
24 curity Council adopted Resolution 757, which con-
25 demned the Government of Serbia for its continued

1 failure to respect the territorial integrity of Bosnia-
2 Hercegovina.

3 (13) Serbian-allied irregular forces have, over
4 the last year, occupied approximately 70 percent of
5 the territory of Bosnia-Hercegovina, committed
6 gross violations of human rights in the areas they
7 have occupied, and established a secessionist govern-
8 ment committed to eventual unification with Serbia.

9 (14) The military and other support and direc-
10 tion provided to Serbian-allied irregular forces in
11 Bosnia-Hercegovina constitutes an armed attack on
12 the Government of Bosnia-Hercegovina by the Gov-
13 ernment of Serbia within the meaning of Article 51
14 of the United Nations Charter.

15 (15) Under Article 51, the Government of
16 Bosnia-Hercegovina, as a member of the United Na-
17 tions, has an inherent right of individual or collective
18 self-defense against the armed attack from the Gov-
19 ernment of Serbia until the United Nations Security
20 Council has taken measures necessary to maintain
21 international peace and security.

22 (16) The measures taken by the United Nations
23 Security Council in response to the armed attack on
24 Bosnia-Hercegovina have not been adequate to
25 maintain international peace and security.

1 (17) Bosnia-Herzegovina has been unable suc-
2 cessfully to resist the armed attack from Serbia be-
3 cause it lacks the means to counter heavy weaponry
4 that Serbia obtained from the Yugoslav National
5 Army upon the dissolution of Yugoslavia, and be-
6 cause the mandatory international arms embargo
7 has prevented Bosnia-Herzegovina from obtaining
8 from other countries the means to counter such
9 heavy weaponry.

10 (18) On December 18, 1992, with the affirma-
11 tive vote of the United States, the United Nations
12 General Assembly adopted Resolution 47/121, which
13 urged the United Nations Security Council to ex-
14 empt Bosnia-Herzegovina from the mandatory arms
15 embargo imposed by Resolution 713.

16 (19) In the absence of adequate measures to
17 maintain international peace and security, continued
18 application to the Government of Bosnia-
19 Herzegovina of the mandatory international arms
20 embargo imposed by the United Nations Security
21 Council prior to the armed attack on Bosnia-
22 Herzegovina undermines that government's right of
23 individual or collective self-defense and therefore
24 contravenes Article 51 of the United Nations
25 Charter.

1 (20) Bosnia-Herzegovina's right of self-defense
2 under Article 51 of the United Nations Charter in-
3 cludes the right to ask for military assistance from
4 other countries and to receive such assistance if
5 offered.

6 **SEC. 3. UNITED STATES ARMS EMBARGO OF THE GOVERN-**
7 **MENT OF BOSNIA-HERCEGOVINA.**

8 (a) TERMINATION.—The President shall terminate
9 the United States arms embargo of the Government of
10 Bosnia-Herzegovina upon receipt from that government of
11 a request for assistance in exercising its right of self-de-
12 fense under Article 51 of the United Nations Charter.

13 (b) DEFINITION.—As used in this section, the term
14 “United States arms embargo of the Government of
15 Bosnia-Herzegovina” means the application to the Gov-
16 ernment of Bosnia-Herzegovina of—

17 (1) the policy adopted July 10, 1991, and pub-
18 lished in the Federal Register of July 19, 1991 (58
19 Fed. Reg. 33322) under the heading “Suspension of
20 Munitions Export Licenses to Yugoslavia”; and

21 (2) any similar policy being applied by the
22 United States Government as of the date of receipt
23 of the request described in subsection (a) pursuant
24 to which approval is routinely denied for transfers of

1 defense articles and defense services to the former
2 Yugoslavia.

3 **SEC. 4. UNITED STATES MILITARY ASSISTANCE FOR**
4 **BOSNIA-HERCEGOVINA.**

5 (a) POLICY.—The President should provide appro-
6 priate military assistance to the Government of Bosnia-
7 Hercegovina upon receipt from that government of a re-
8 quest for assistance in exercising its right of self-defense
9 under Article 51 of the United Nations Charter.

10 (b) AUTHORIZATION OF MILITARY ASSISTANCE.—

11 (1) DRAWDOWN AUTHORITY.—If the Govern-
12 ment of Bosnia-Hercegovina requests United States
13 assistance in exercising its right of self-defense
14 under Article 51 of the United Nations Charter, the
15 President is authorized to direct the drawdown of
16 defense articles from the stocks of the Department
17 of Defense, defense services of the Department of
18 Defense, and military education and training in
19 order to provide assistance to the Government of
20 Bosnia-Hercegovina. Such assistance shall be pro-
21 vided on such terms and conditions as the President
22 may determine.

23 (2) LIMITATION ON VALUE OF TRANSFERS.—
24 The aggregate value (as defined in section 664(m)
25 of the Foreign Assistance Act of 1961) of defense

1 articles, defense services, and military education and
2 training provided under this subsection may not
3 exceed \$200,000,000.

4 (3) EXPIRATION OF AUTHORIZATION.—The au-
5 thority provided to the President in paragraph (1)
6 expires at the end of fiscal year 1994.

7 (4) LIMITATION ON ACTIVITIES.—Members of
8 the United States Armed Forces who perform de-
9 fense services or provide military education and
10 training outside the United States under this sub-
11 section may not perform any duties of a combatant
12 nature, including any duties related to training and
13 advising that may engage them in combat activities.

14 (5) REPORTS TO CONGRESS.—Within 60 days
15 after any exercise of the authority of paragraph (1)
16 and every 60 days thereafter, the President shall re-
17 port in writing to the Speaker of the House of Rep-
18 resentatives and the President pro tempore of the
19 Senate concerning the defense articles, defense serv-
20 ices, and military education and training being pro-
21 vided and the use made of such articles, services,
22 and education and training.

23 (6) REIMBURSEMENT.—(A) Defense articles,
24 defense services, and military education and training
25 provided under this subsection shall be made avail-

1 able without reimbursement to the Department of
2 Defense except to the extent that funds are appro-
3 priated pursuant to subparagraph (B).

4 (B) There are authorized to be appropriated to
5 the President such sums as may be necessary to re-
6 imburse the applicable appropriation, fund, or ac-
7 count for the value (as defined in section 664(m) of
8 the Foreign Assistance Act of 1961) of defense arti-
9 cles, defense services, or military education and
10 training provided under this subsection.

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